IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8599 of 1990

For Approval and Signature:

HON'BLE MR.JUSTICE M.S.SHAH
and
HON'BLE MR.JUSTICE A.M.KAPADIA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

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Versus

UNION OF INDIA

Appearance:

1. Special Civil Application No. 8599 of 1990
M/S TRIVEDI & GUPTA for Petitioner No. 1-2
MR DHAVAL G NANAVATI for Respondent No. 1
MR SIRAJ GORI AGP for Respondent No. 2-3

CORAM : HON'BLE MR.JUSTICE M.S.SHAH
and
HON'BLE MR.JUSTICE A.M.KAPADIA

Date of decision: 29/01/2004

ORAL JUDGEMENT

(Per : HON'BLE MR.JUSTICE M.S.SHAH)

When the petition was filed, the petitioners who were before the BIFR had sought protection under the provisions of Section 22 of the Sick Industrial Companies (Special Provisions) Act, 1985 in respect of coercive recovery of Sales Tax sought to be made by Sales-tax Officer, Ahmedabad.

2. This Court issued notice and ad-interim protection was granted restraining the respondents from auctioning the properties under attachment. The petition was admitted on 13.2.10991 and the interim relief was continued.

3. When the petition has reached hearing today, Mr. Joshi, learned counsel for M/s. Trivedi & Gupta for the petitioners under instructions from the petitioners, states that the dues in question have already been paid up and therefore nothing further survives in this petition.

4. In view of the above statement, the petition is disposed of as having become infructuous.

Rule is discharged with no order as to costs. Interim relief shall stand vacated.

(M.S. Shah, J.)

(A.M. Kapadia, J.)

(karan)